

Docket No.  
07009/018001

# Declaration and Power of Attorney For Patent Application

## English Language Declaration



**022511**

PATENT TRADEMARK OFFICE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### MUTUAL FUND HAVING INVESTMENT RESULTS RELATED TO OCCURRENCE OF EXTERNAL EVENTS TO INVESTOR-SELECTED INVESTMENT OPTIONS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on January 31, 2000 as United States Application No. or PCT International

Application Number 09/495,230

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

06/05/00 11:22 FAX 713 228 0778

ROSENTHAL &amp; OSHA L.L.P.

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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Alan D. Rosenthal, Reg. No. 27,833

Jonathan P. Osha, Reg. No. 33,986

Richard A. Fagin, Reg. No. 39,182

Ademike Adewuya, Reg. No. 42,254

David E. Mixon, Reg. No. 43,809

Thomas K. Scherer, Reg. No. 45,079

Y. Renee Alksandor, Reg. No. 45,883


Jeffrey S. Bergman, Reg. No. 45,925

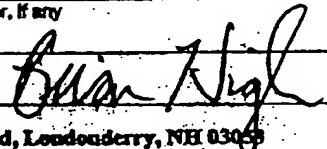
Scott W. Hejny, Reg. No. 45,882

K. KaRen Reed, Reg. No. 45,036

Send Correspondence to: Jonathan P. Osha  
ROSENTHAL & OSHA L.L.P.  
700 Louisiana, Suite 4550  
Houston, Texas 77002

Direct Telephone Calls to: (name and telephone number)  
Richard A. Fagin (713) 228-8600

Full name of sole or first inventor James Fraivillig	
Sole or first inventor's signature 	Date 6/5/00
Residence 98 Charles St. #1, Boston, Massachusetts 02114	
Citizenship	
Post Office Address	

Full name of second inventor, if any Brian K. High	
Second inventor's signature 	Date 6/5/00
Residence 330 Winding Pond Road, Londonderry, NH 03058	
Citizenship	
Post Office Address	

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<b>STATEMENT CLAIMING SMALL ENTITY STATUS</b> <b>(37 CFR 1.9(f) &amp; 1.27(c))—SMALL BUSINESS CONCERN</b>		<b>Docket Number (Optional)</b> 07009/018001
Applicant, Patentee, or Identifier: <u>James Fraivillig et al.</u>		
Application or Patent No.: <u>09/495,230</u>		
Filed or Issued: <u>January 31, 2000</u>		
Title: <u>Mutual Fund Having Investment Results Related to Occurrence of External Events to Investor-Selected</u>		
<p>I hereby state that I am</p> <p><input type="checkbox"/> the owner of the small business concern identified below:</p> <p><input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p>		
NAME OF SMALL BUSINESS CONCERN <u>Freemint Technologies</u> <u>SPORTSFUND COMPANY</u>		
ADDRESS OF SMALL BUSINESS CONCERN <u>98 Charles St. #1, Boston, MA 20114</u>		
<p>I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.</p>		
<p>I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p> <p><input type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input checked="" type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p>		
<p>If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p>		
<p>Each person, concern, or organization having any rights in the invention is listed below:</p> <p><input type="checkbox"/> no such person, concern, or organization exists.</p> <p><input checked="" type="checkbox"/> each such person, concern, or organization is listed below.</p>		
<p>Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)</p>		
<p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance</p>		
NAME OF PERSON SIGNING <u>JIM FRAIVILLIG</u>		
TITLE OF PERSON IF OTHER THAN OWNER <u>PRE-S.</u>		
ADDRESS OF PERSON SIGNING <u>SAM 43 ABNG</u>		
SIGNATURE <u>[Signature]</u>		DATE <u>6/5/00</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.